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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,244	09/26/2001	Mark Alan Schultz	PU010200	8587

7590 11/02/2005

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EXAMINER

HINDI, NABIL Z

ART UNIT	PAPER NUMBER
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2656

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/963,244

Applicant(s)

SCHULTZ ET AL. ✓

Examiner

NABIL Z. HINDI

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-10,12-21 and 23-28 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,3-6,9,10,12-18,21 and 23-28 is/are rejected.
7) ☒ Claim(s) 7, 8, 19 and 20 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

BY

In response to applicant's remarks dated 10/19/05. The following action is taken:

Since the claims are rejected for the same reasons set forth in the previous office action repeated herein, applicant's representative is respectfully asked to setup a telephonic or personal interview with the examiner of record.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-6, 9, 10, 12-18, 21 and 23-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohara et al (6097683).

The following rejection is made using the same reference in the previous office action mailed May 13, 2004. The independent claims 1 and 12 merely read on data verification step, wherein previously or old data on a disk is read to determine if an error is present and if so, a correction step is taken. Thus the claims merely read on data verification process. The reference shows the use of an optical disk wherein previously recorded data is verified for errors and if the errors exist, then data is recorded on another area of the disk (see column 1 lines 18-41).

With respect to the limitation of claim 3-see column 11 lines 15-20.

With respect to the limitations of claims 4 and 16-see column 11 lines 23 and 24.

With respect to the limitations of claims 5 and 17-see column 11 lines 30-35.

With respect to the limitations of claims 6 and 18-see column 11 lines 40 and 41.

With respect to the limitation of claim 9, the claim read on the "skipping method".

With respect to the limitation of claims 10. The use of front end or back end is merely a processor as shown in fig 11.

With respect to the limitation of claim 13. The reference is drawn to an optical disk recording apparatus.

With respect to the limitations of claims 13,14, 21. The use of front end and back end processors are well established in the art as shown in figs 1 and 11.

With respect to the limitations of claims 23 and 24. The reference shows the re-recording of data onto another area of the disk as cited in column 11 line 38.

With respect to the limitations of claims 25-28. The use of "test data" is merely any data. The reference shows the use of verifying the previously written data on the disk as cited in column 11 lines 15-20.

Claims 7, 8, 19 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

None of the cited prior art discloses the decreasing of the data spine operation every time the data is selectively read for verification.

Applicant's arguments filed October 19, 2005 have been fully considered but they are not persuasive. The claims as interpreted by the examiner can not be patentable over the prior art of record. The claims are merely drawn to a well-established error verification process on the disk wherein prior to recording a new data on a disk. The old data already recorded is verified for error and errors are detected, then the new data is recorded somewhere else. The claims citing "a method of detecting defects in a recordable optical storage medium comprising the steps of" read on detecting a PDL and SDL on the disk; the limitation "accessing a portion of the recordable storage medium wherein new data is to be recorded" reads on determining where the new data is to be recorded; the limitation "selectively examining data in said accessed portion for defects prior to recording said new data" reads on verifying any data on the medium where the new data is to be recorded. The "any data" is old data. The limitation "wherein if defects are detected in the data in said accessed portion (old data), corrective measures are taken such that the new data to be recorded is not recorded in the accessed portion having defects" reads on skipping the portion where defects is detected and recording the data somewhere else. During the upcoming telephonic or personal interview, applicant's representative is expected to point out the distinction between the well established "replacement method" and/or the "skipping method" when detecting defects on the disk and the **claimed invention**.

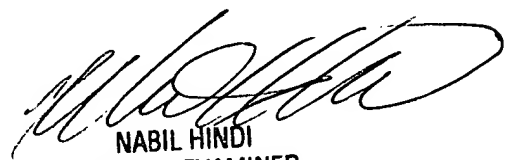
Applicant's representative is strongly urged to review the following reference.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. 5363361 (fig 6).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to NABIL Z. HINDI at telephone number (571) 272-7618.


NABIL HINDI
PRIMARY EXAMINER
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